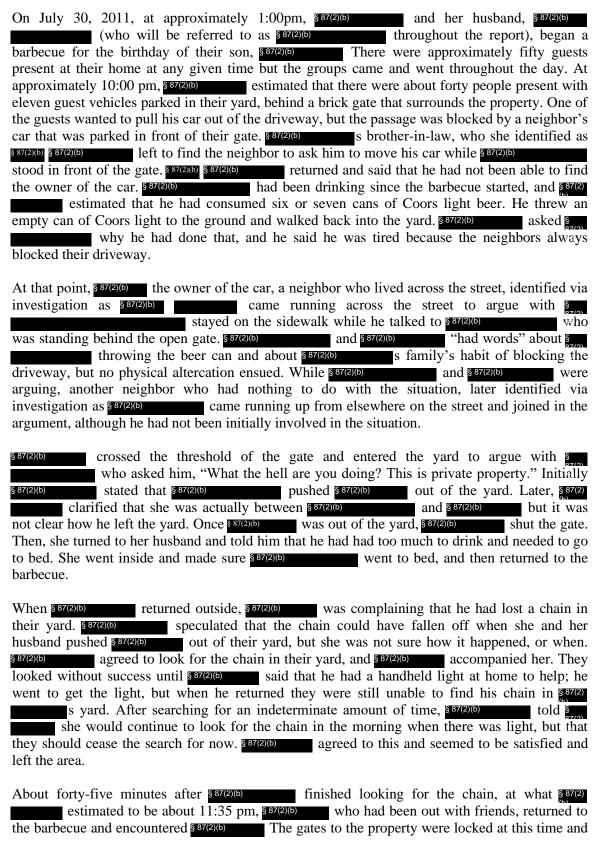
CCRB INVESTIGATIVE RECOMMENDATION

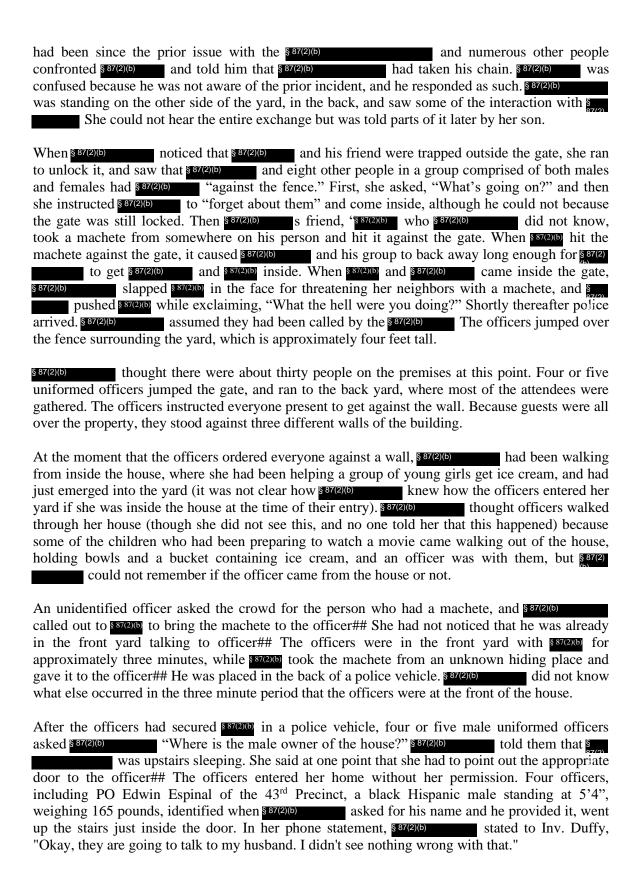
Investigator:		Team:	CCRB Case #:	✓ Force	☐ Discourt.	☐ U.S.
Jacqueline Asencio		Team # 1	201109854	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct	: 18 Mo. SOL	EO SOL
Saturday, 07/30/2011 11:20 PM \$87(2)(b) stationho		\$ 87(2)(b) & 43 stationhouse	& 43rd Precinct		1/30/2013	1/30/2013
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/T	ime Received at CCI	RB
Sun, 07/31/2011 9:47 AM		CCRB	Call Processing System	Sun, 07	7/31/2011 9:47 AM	
Complainant/Victim	Type	Home Addre	ess			
Witness(es)		Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Edwin Espinal	09609	934831	043 PCT			
Witness Officer(s)	Shield N	Tax No	Cmd Name			
1. POM Joseph Ruggieri	25662	947841	043 PCT			
2. SGT Keith Laliberte	00868	920488	043 PCT			
3. POM Patrick Socorro	02256	947500	043 PCT			
Officer(s)	Allegation	on		Iı	nvestigator Recon	nmendation
A.POM Edwin Espinal	Abuse: P Bronx.	O Edwin Espinal entere	d § 87(2)(b)	in the		
B.POM Edwin Espinal	Abuse: A damaged		ne Bronx, PO Edwin ty.	Espinal		
C.POM Edwin Espinal	Force: A used phy	t § 87(2)(b) in the rsical force against § 87(2)(b)	e Bronx, PO Edwin	Espinal		
D.POM Edwin Espinal	Abuse: A did not o	At the 43rd Precinct station btain medical treatment	onhouse, PO Edwin for § 87(2)(b)	Espinal		

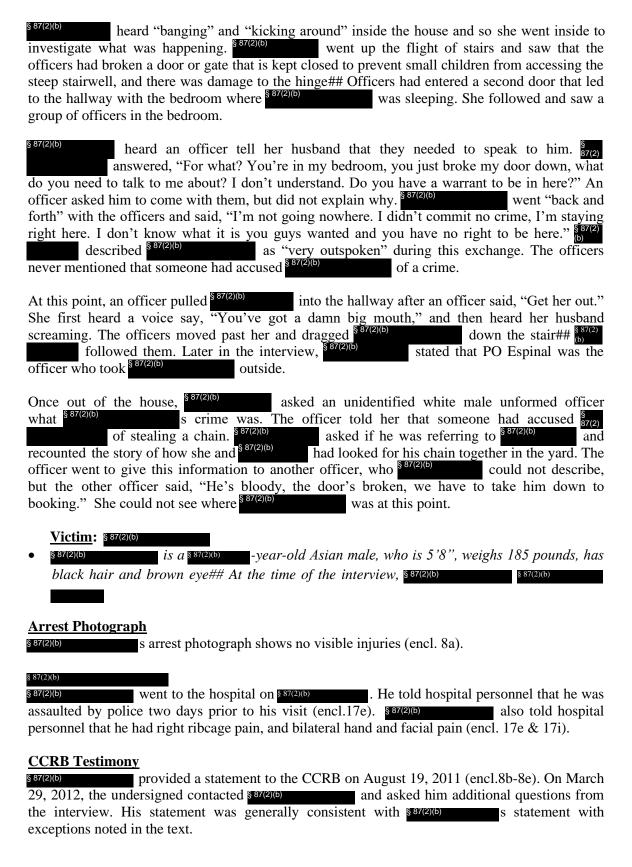
Case Summary

filed this complaint with the CCRB on behalf of herself and her husband, via the call processing system on July 30, 2011. **TOTALL MARKET TOTALL MARKET TOTA
Allegation A: Abuse of Authority: PO Edwin Espinal entered [85/2]b in the
Bronx.
§ 87(2)(g)
Allegation B: Abuse of Authority: At \$57(2)(5) in the Bronx, PO Edwin Espinal damaged \$87(2)(5) s property.
Allegation C: Force: At \$87(2)(b) in the Bronx, PO Edwin Espinal used physical force against \$87(2)(b)
Allegation D: Abuse of Authority: At the 43rd Precinct stationhouse, PO Edwin Espinal did
not obtain medical treatment for \$87(2)(b) \$87(2)(b) \$87(2)(b) \$87(2)(g)
This case was originally assigned to Inv. Kathryn Duffy. After Inv. Duffy's departure from the agency, the case was reassigned to the undersigned on March 28, 2012.
Results of Investigation
<u>Civilian Statements</u>
Complainant/Victim: § 87(2)(b)
• \$87(2)(b) is a \$87(2)(b) Asian female, who is 5'4", weighs 144 pounds, has brown hair and brown eye## At the time of the interview, \$87(2)(b)
CCRB Testimony
provided a statement to the CCRB on August 19, 2011 (encl. 7d-7g). Her statement was generally consistent with her initial CCRB complaint narratives (encl. 6b) and with her CCRB phone statement on August 5, 2011 (encl. 7a-7c) with exceptions noted in the text.

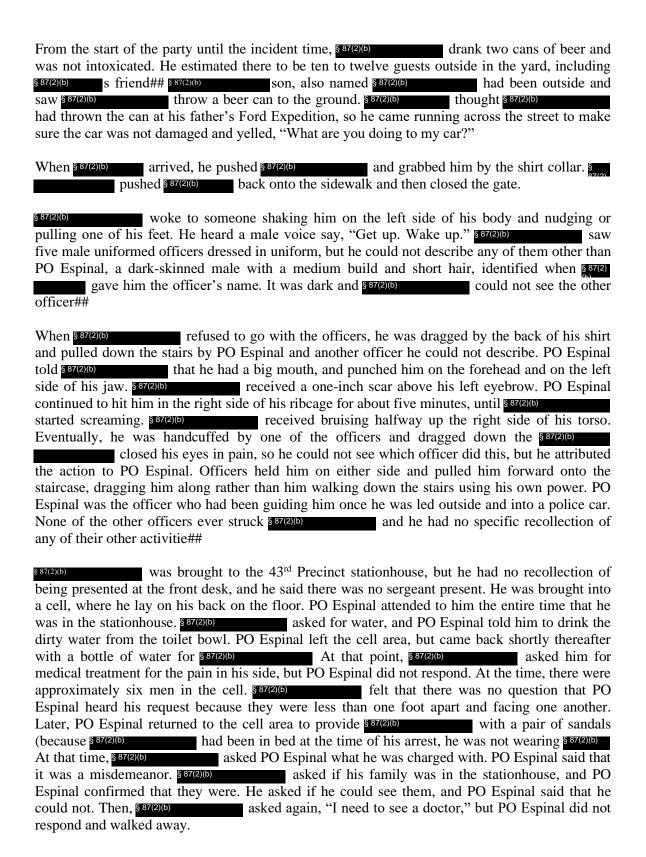
Page 2 CCRB Case # 201109854

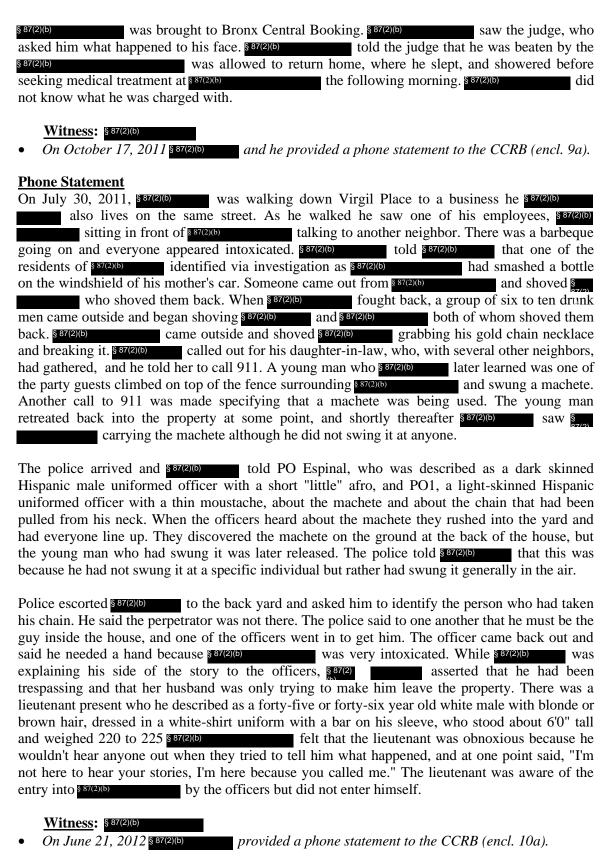






Page 5 CCRB Case # 201109854





Page 7 CCRB Case # 201109854

Initially \$87(2)(b) stated that \$87(2)(b) spilled a beer can on \$87(2)(b) s mother's vehicle at \$87(2)(b) was three houses down, and he was looking in that direction because he knew that they were all drunk. \$87(2)(b) knew something was going to happen and so he stared at them. \$87(2)(b) s mother's vehicle, a black truck, was parked across the street. \$87(2)(b) had his vehicle, a green Acura, parked in front of \$87(2)(b) s house, but it was not blocking the driveway. \$87(2)(b) was upset that his mother's vehicle was double-parked across the street.
and asked him why he would do that. Started to surround him. Started to surround him. Started to surround him. Started to gusted him back. A car pulled up behind started to fight. Started to fight to fight lasted to fight. Started to fight to fight lasted for approximately ten Started to fight lasted for approximately for the fight lasted for approximately for the fight lasted for approximately for the fight
One of \$87(2)(b) s nephews came out with a machete, and swung it over the fence. did not think the fence was closed, but then stated that he believed it was closed. One of \$87(2)(b) s friends had someone else in a chokehold. \$87(2)(b) told his friends to let the individual go. Someone tackled the man with the machete so that he would stop swinging it. No one was hit with the machete.
The police arrived and everyone told the police about the machete. \$87(2)(6) did not call the police. The two male officers (whom \$87(2)(6) was unable to describe) then went in with their guns drawn. One officer jumped over the fence and the other went through the gate and they went to the side of the house. The individual with the machete was arrested, but he was then released. \$87(2)(6) did not see anything that happened inside the house. \$87(2)(6) did not hear any yelling inside of the house. \$87(2)(6) saw when \$87(2)(6) was being taken out of the house, but \$87(2)(6) did not think he saw any injuries on \$87(2)(6) The officers asked \$87(2)(6) if he wanted to press charges in regards to the individual with the machete and he refused.
Witness: \$87(2)(b) • \$87(2)(b)
CCRB Testimony Ser(2)(b) provided a statement to the CCRB on September 10, 2012 (encl. 11b-11c). Ser(2)(b) has no relationship with Ser(2)(b) His statement was generally consistent with his initial phone statement on May 3, 2012 (encl. 11a) with exceptions noted in the text.
On July 30, 2011, at approximately 11:20pm, sar(2)(b) was inside of the holding cell at the 43 rd Precinct stationhouse. When sar(2)(b) was placed in the holding cell, there were three males already in the cell. sar(2)(b) an Indian or Dominican dark-skin male, was brought into

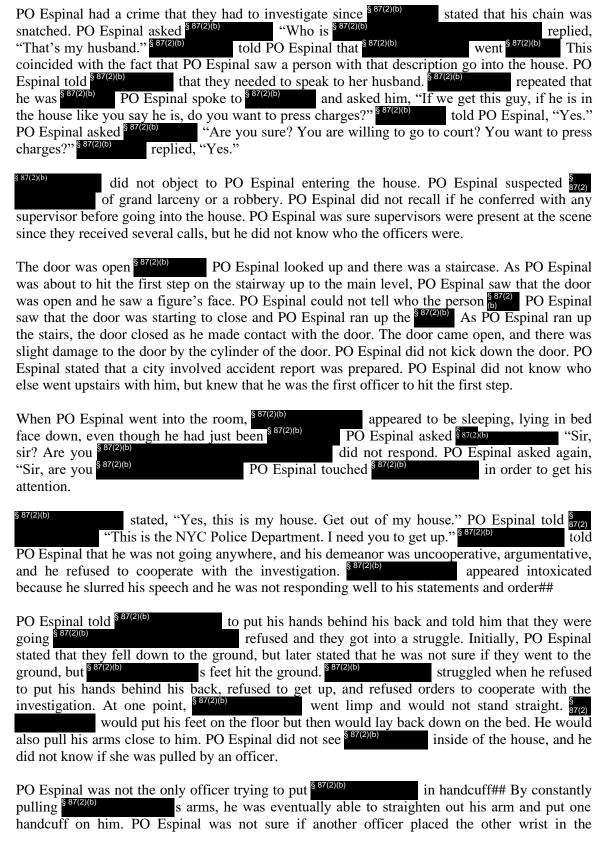
Page 8 CCRB Case # 201109854

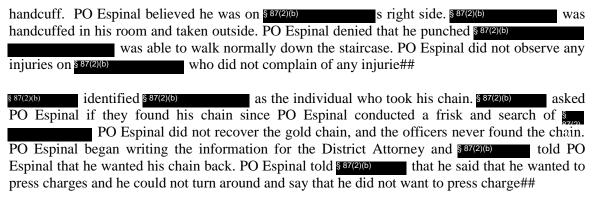
the same cell by PO Espinal, a Hispanic uniformed officer with a shaved head/short haircut. had a swollen face and a couple of bumps on his forehead by the hairline. did not say anything in the holding cell and \$87(2)(b) did not notice if appeared intoxicated. \$87(2)(b) did not see anyone ask \$87(2)(b) if he wanted medical attention.
A couple of hours later, PO Espinal spoke to \$37(2)(b) and told him that he would be alright and they would probably drop all the charge## PO Espinal asked \$37(2)(b) if he was alright and \$37(2)(b) replied, "Yeah, I'm alright." When the undersigned asked 37(a) if he heard \$37(2)(b) ask an officer for medical treatment, he stated, "That I really did not hear. No. No, I didn't hear anything." In his phone statement, \$37(2)(b) stated that \$37(a) did ask for medical treatment and the officer told him, "Oh, well. I'll see what I can do." PO Espinal then left and did not return. They all left the cell at the same time to go to Bronx Central Booking.
Attempts to Contact Witnesses
On December 12, 2011, Inv. Duffy called the \$87(2)(b) s residence to speak to and left a message with \$87(2)(b) On December 13, 2011, Inv. Duffy again called the \$87(2)(b) residence and left a voicemail message for \$87(2)(b) On December 14, 2011 and January 11, 2012, Inv. Duffy mailed \$87(2)(b) two "please call" letter## On March 29, 2012, the undersigned called for \$87(2)(b) and left a message with \$87(2)(c) did not contact the undersigned in regards to this case.
• On October 17, 2011, Inv. Duffy called two individuals from the Sprint Print-Outs, who had called the police on July 30, 2011. One individual, identified herself as Yvette informed Inv. Duffy that she saw the individual with the machete being taken out of the house in handcuff## \$\frac{\frac{87(2)(0)}{2}}{\frac{1}{2}}\frac{1}{2}\frac{1}{
• stated that there were six males in the holding cell at the time he asked PO Espinal for medical treatment. The police documentation identified these individuals as
contacted the investigator in regards to this case. On May 10, 2012, contacted the investigator, and he did not observe any incident at the stationhouse. The undersigned attempted to contact the remaining men via Lexis Nexis searches and letters, but none of the men contacted the investigator in regards to this case.
NYPD Statements:
Subject Officer: PO EDWIN ESPINAL
• § 87(2)(b)

Page 9 CCRB Case # 201109854

in a marked vehicle. He was dressed in uniform and worked from 3:00pm to 11:00pm. Memo Book PO Espinal noted in his memo book that he received a call for a crime in progress at at 10:02pm. PO Espinal noted in his memo book that stated "male CPW with machete and one male owns house snatched chain during struggle regarding a dispute." PO Espinal noted that two males were stopped and one male was in custody and §87(2)(b) resisted in the house at 10:10pm. PO Espinal also noted in his memo book at 10:10pm that $\frac{1}{10}$ refused to press charges (encl. 13a-13c). **Computerized Complaint and Arrest Reports** PO Espinal completed a complaint and arrest report for §87(2)(b) He wrote the following on the reports, "At time, place, location, the c/v stated that the defendant did take a necklace during a dispute and stated, 'I want him arrested too.' The c/v identified the defendant as the owner of § 87(2)(b) wearing a white shirt and multicolored shorts who was observed entering that location upon a/o's arrival. Upon stopping and identifying the said defendant as described by the c/v, the defendant refused to exit the location stating, 'This is my house and I don't have to go anywhere.' Upon effecting a lawful arrest, the defendant resisted arrest by means of struggling with the a/o, holding his arms to his chest and going limp, refusing to be handcuffed. Upon further investigation, the witness [887(2)(b)] DOB that the necklace was not taken but rather lost during a struggle between the c/v and the defendant. Upon addressing the c/v regarding these new findings, the c/v stated, 'I just want my chain back...I wanna drop the charges'" (encl. 13d-13g). **CCRB Testimony** PO Espinal provided a statement to the CCRB on August 8, 2012 (encl. 13h-13j). On July 30, 2011, the officers received several calls at \$87(2)(b) in the Bronx. One of the calls was for a crime in § 87(2)(b) There was a call for a larceny in progress, and another call for a dispute in progress with a knife, all at the same location. In another call, a female caller stated that someone snatched her father-in-law's chain and there was fighting at the location. The caller also reported that they had knives and bats. Several units responded to the calls. When PO Espinal arrived at the location, there was a group of approximately eight people inside the gate on the property of § 87(2)(b) arguing with another group of approximately ten people outside the gate. There was no physical altercation. PO Espinal described the property as a two family home or a two story house with a gate along the front of the house. PO Espinal did not know if the gate surrounded the entire property and he did not remember if the gate was closed. When PO Espinal arrived there were different officers speaking to different people. PO Espinal observed § 87(2)(b) walking into the house when he arrived. who said that he had a verbal dispute with \$37(2) PO Espinal spoke to regarding a blocked driveway at the location. The dispute turned into a physical told PO Espinal that during the struggle, §87(2)(b) took his chain and snatched it off his neck and started to walk into the house. approached PO Espinal and told him about the verbal altercation and the physical altercation. PO Espinal did not recall where he was at the time he was having the conversation PO Espinal did not know if he was inside of the fence or outside of the fence.

On July 30, 2011, PO Espinal was assigned to Sector B, D, and G with PO Joseph Ruggieri





Later, PO Espinal found out that there was a person placed in custody for menacing with a machete, but PO Espinal thought that the criminal complainant decided not to press charge## Since it was not PO Espinal's arrest, he did not know if the individual was placed under arrest. PO Espinal did not know the circumstances involving the incident with the machete.

was taken to the stationhouse after they got \$87(2)(b) s information. PO Espinal stated that \$87(2)(b) did not ask him for medical treatment, which he would have remembered.

Witness Officer: PO JOSEPH RUGGERI

- § 87(2)(b
- On July 30, 2011, PO Ruggieri worked with PO Edwin Espinal in Sectors B, D, and G in a marked vehicle. He was dressed in uniform and worked from 3:00pm to 11:35pm.

Memo Book

PO Ruggieri noted in his memo book that PO Espinal had \$87(2)(b) under arrest for obstruction of governmental administration at 11:05pm (encl. 14a-14c).

CCRB Testimony

PO Ruggieri provided a statement to the CCRB on October 12, 2012 (encl. 14d-14f). His statement was generally consistent with PO Espinal's statement with exceptions noted in the text.

When PO Ruggieri and PO Espinal arrived at the scene, they canvassed the location quickly for any weapon## PO Ruggieri was not sure if his was the first sector to respond to the location. PO Ruggieri did not recall if the gate was open or closed. There were a lot of civilians present at the scene, but he could not estimate how many people. PO Ruggieri and PO Espinal were separated, and PO Ruggieri did not know where PO Espinal went. PO Ruggieri spent a couple of minutes conducting the canvas##

Shortly after the canvass, PO Ruggieri went into the house. There was a commotion going on inside of the house and PO Ruggieri wanted to make sure no one was getting hurt. The house door was already open. PO Ruggieri heard yelling, but nothing that he could understand. PO Ruggieri did not remember any individual objecting to him entering the house.

There were already officers inside in a bedroom right off the stair## PO Ruggieri did not notice if the bedroom door was broken; he did not break anything. PO Ruggieri saw \$87(2)(b) on

Page 12 CCRB Case # 201109854

the bed, but he did not know his position on the bed. PO Ruggieri could not say which officers were already inside of the bedroom, except for PO Espinal. At that point, all the officers were trying to get § 87(2)(b) into handcuff## § 87(2)(b) started to resist by holding his arms toward the center of his chest and not giving them his \$87(2)(b) was given many commands, "Give me your hand## Give me your hand##" Since \$87(2)(b) holding his arms tight, PO Ruggieri tried to pull his arm out to get it behind his back. PO Ruggieri did not remember which arm he had grabbed. PO Ruggieri could not say what PO Espinal was doing since there were many officers present. PO Ruggieri could not estimate how many officers were present inside of the room. §87(2)(b) was heavily resisting by holding his arms and not allowing the officers to handcuff him. PO Ruggieri did not know if was intoxicated. Eventually, § 87(2)(b) s hands were brought to his back and he was placed under arrest. PO Ruggieri believed § 87(2)(b) was handcuffed on the bed. PO Ruggieri did not punch § 87(2)(b) and he did not observe any officer punching him. PO Ruggieri did not have physical contact with \$87(2)(6) and did not see any other officers having physical contact with her. PO Ruggieri did not remember who escorted § 87(2)(b) down the stairs, and he could not say if he did. PO Ruggieri did not drag § 87(2)(b) off the bed and down the stair## PO

say if he did. PO Ruggieri did not drag \$87(2)(b) off the bed and down the stair## PO Ruggieri did not observe any injuries on \$87(2)(b) at the time, and did not hear him complain of any injurie## Sgt. Keith Laliberte responded to the scene, but he did not know where Sgt. Laliberte was specifically. PO Ruggieri went with \$87(2)(b) and PO Espinal to the stationhouse. PO Ruggieri did not have any verbal contact with \$87(2)(b) in the holding cell. PO Ruggieri did not remember if \$87(2)(b) asked him for medical treatment.

Witness Officer: SGT. KEITH LALIBERTE

- § 87(2)(I
- On July 30, 2011, Sgt. Laliberte was assigned as the patrol supervisor with PO Patrick Socorro in a marked vehicle. He was dressed in uniform and worked from 2:50pm to 11:47pm.

Memo Book

Sgt. Laliberte noted in his memo book that he verified \$87(2)(b) s arrest at 10:50pm (encl. 15a-15c).

CCRB Testimony

Sgt. Laliberte provided a statement to the CCRB on October 4, 2012 (encl. 15d-15f). On July 30, 2011, at approximately 10:15pm, Sgt. Laliberte and PO Socorro responded to a call of an assault in progress with an individual with a machete. When Sgt. Laliberte responded to he observed a lot of people running around. There were two house parties going on and it was complete chao## There were at least one hundred civilians at the scene. Sgt. Laliberte and PO Socorro were not the first unit to respond to the location. The civilians were yelling and screaming, but Sgt. Laliberte did not recall what the civilians were yelling and screaming about. There were no other supervisors present at the location.

Sgt. Laliberte found out that someone had come by with a machete, showed the machete, left, and dumped the machete somewhere. The officers looked at the location of where the machete was dumped, but there was nothing. Then, Sgt. Laliberte found out about an incident involving a gold chain. PO Espinal explained to Sgt. Laliberte that an individual grabbed the chain during the fight and took off running. Sgt. Laliberte and the officers proceeded to interview everyone Sgt.

Page 13 CCRB Case # 201109854 Laliberte spoke to \$37(2)(b) about the chain and asked him who took his chain, what happened, and if he wanted to press charge## Sgt. Laliberte did not recall exactly what \$37(2)(b) told him, but said that he knew the individual who took his chain. Sgt. Laliberte saw PO Espinal running into \$37(2)(b) Sgt. Laliberte did not recall if PO Espinal spoke to a female before entering the house, and he did not recall if the house door was open or closed at the time PO Espinal went inside. There were other officers that entered the house with PO Espinal, but Sgt. Laliberte did not recall who those officers were. When PO Espinal entered the house, he was going to apprehend \$37(2)(b) for grand larceny. At one point in the interview, Sgt. Laliberte stated that PO Espinal did not tell him that he was going to run into the house.

Sgt. Laliberte heard a lot of commotion coming from the house. Sgt. Laliberte heard yelling and screaming, but he did not hear what was being said. Sgt. Laliberte entered the house, but he did not recall if any civilian told him not to enter the house. Sgt. Laliberte went up the stairs, made a right, and into a bedroom. Sgt. Laliberte observed the bedroom door was damaged, but Sgt. Laliberte did not recall what part of the door was damaged. Sgt. Laliberte found out that the door was damaged when PO Espinal pushed the door open to apprehend [\$37(2)[5]]

There was a city incident report filed in regards to the door.

was laying on a bed face-up. The officers were trying to place
under arrest by talking to him. Sgt. Laliberte did not recall what §87(2)(b)
was saying, but it was a lot of gibberish. Sgt. Laliberte did not observe any injuries on
and he had no indication that he was involved in a fight (i.e. ripped clothing).
seemed intoxicated due to his slurred speech. Sgt. Laliberte did not recall if
objected to the officers being inside of the house. §87(2)(b) physically
resisted while being placed in handcuffs by flailing his arms, refusing to be handcuffed, pulling
away, and screaming. Sgt. Laliberte assisted in handcuffing \$87(2)(b) by grabbing his
arm, but Sgt. Laliberte did not know which arm he grabbed. Sgt. Laliberte did not recall which
other officers were assisting in handcuffing \$87(2)(b) The officers picked up
off of the bed and he was placed in handcuffs inside the bedroom. Sgt. Laliberte
did not punch §87(2)(b) and the sergeant did not observe PO Espinal punching him. Sgt.
Laliberte did not drag §87(2)(b) out of his bed and he did not drag him down the stairs,
and he did not observe PO Espinal doing so. Sgt. Laliberte did not recall if §87(2)(b) was
inside of the house, and he did not have any physical contact with her. Sgt. Laliberte did not
observe any officer have physical contact with §87(2)(b) did not complain
of any injures to Sgt. Laliberte. §87(2)(b) was taken downstairs and out of the house. Sgt.
Laliberte did not recall if the chain was recovered.

Sgt. Laliberte responded to the stationhouse, but he did not speak to \$87(2)(b) inside of the holding cell. \$87(2)(b) did not ask Sgt. Laliberte for medical treatment, and he did not observe him ask PO Espinal for medical treatment.

Witness Officer: PO PATRICK SOCORRO

• § 87(2)(b)

• On July 30, 2011, PO Socorro was assigned as the sergeant's operator with Sgt. Keith Laliberte in a marked vehicle. He was dressed in uniform and worked from 3:00pm to 11:35pm.

Page 14 CCRB Case # 201109854

Memo Book

PO Socorro had the same memo book entry as Sgt. Laliberte (encl. 16a-16c).

CCRB Testimony

PO Socorro provided a statement to the CCRB on October 12, 2012 (encl. 16d-16f). His statement was generally consistent with Sgt. Laliberte's statement with exceptions noted in the text below.

There are officers already inside of the house on the bottom floor. PO Socorro did not see anything in regards to the entry. PO Socorro went into the house. There was no civilian objecting the officers entering the house. A couple of minutes later, PO Socorro heard a commotion upstair## PO Socorro heard officers telling someone, "Stop resisting."

The commotion was loud and PO Socorro ran upstairs with other officer## PO Socorro did see a broken door, but he could not say what part of the door was broken, and he did not know who broke the door. PO Socorro did not know the circumstances involving the broken door. There were officers attempting to apprehend \$87(2)(b) in one of the room## PO Socorro observed \$37(2)(b) whom he described as heavy-set, on the bed with his hands underneath his body toward his chest refusing to provide them. PO Socorro was not sure of \$37(2)(c) so position on the bed. PO Socorro did not know which officers were already inside of the room, and Sgt. Laliberte was not initially inside of the room when he got to the room. \$37(2)(c) was present at the bedroom doorway and she wanted to enter the room, but she was not allowed to do so. PO Socorro told her, "Don't come in." PO Socorro did not pull her away from entering the bedroom, and he did not see any officer pulling her away from entering the bedroom. PO Socorro did not remember anything specifically \$37(2)(b) was saying at the time. PO Socorro did not remember if Sgt. Laliberte said anything to her.

There were approximately more than five officers present, not including PO Socorro. PO Socorro was not sure exactly at what point Sgt. Laliberte arrived in the bedroom, but it was after PO Socorro's arrival. PO Socorro aided in the apprehension. Later in the interview, PO Socorro stated that he did not remember if he touched \$87(2)(b) PO Socorro did not see exactly what the other officers did in order to handcuff \$87(2)(b) and did not see exactly how was placed in \$87(2)(b) seemed intoxicated to PO Socorro by his blood shot eye## PO Socorro did not punch \$87(2)(b) and he did not see any other officer doing so. PO Socorro did not see any injury on \$87(2)(b) and did not hear him complain of any injury.

was arrested and brought outside. PO Socorro did not know who escorted down the stairs, and he did not know if he escorted him down the stair## PO Socorro did not drag sa7(2)(b) and he did not observe him being dragged. PO Socorro did not see sa7(2)(b) at the stationhouse, and he had no verbal or physical contact with him at the stationhouse.

Medical Records

had an abrasion to his forehead, swelling over his eyebrow, tenderness to his jaw, a right hand contusion, a right chest wall contusion, and a possible rib fracture (encl. 17r). refused to get a "rib series" done (encl. 17r). He was prescribed Bacitracin ointment (encl. 17h).

Page 15 CCRB Case # 201109854

NYPD Documents

Sprint Prints-Outs and Communications IA

On July 30, 2011, at approximately 10:12pm, a female caller called 911 and reported that her father-in-law's chain was ripped off his neck by another individual at SST(2)(6) The female reported a fight and individuals had bats and machete## At 10:14pm, a female caller called 911 and reported people fighting with bottles and bat## At 10:19pm, a female caller called 911 and reported that there is an individual with a machete inside of SST(2)(6) At 11:02pm, Sector B had one individual under arrest (encl. 18a-18g).

43rd Precinct Command Log

The command log indicated that PO Espinal arrested \$87(2)(b) for resisting arrest at 11:20pm. It was also noted that PO Ricardo Dolcine of the 43rd Precinct's name was crossed out and PO Espinal's name was written as the arresting officer. \$87(2)(b) s physical/mental appearance was apparently normal. \$87(2)(b) was transported to Bronx Central Booking at 8:30am (encl. 18h).

43rd Precinct Holding Pen Roster

According to the roster, \$87(2)(b) were with \$87(2)(b) in the holding cell (encl. 18i).

Arrest for Incident and Disposition

• § 87(2)(b) s arrest has been sealed (encl. 19b).

Status of Civil Proceedings

• §87(2)(6) filed a Notice of Claim with the City of New York on September 26, 2011, claiming that she has a broken door, a broken stair, and a broken light switch in her residence and is seeking \$850.00 as redress (encl. 20a-20b).

Civilians Criminal History

• As of January 3, 2013, Office of Court Administration records revealed no criminal convictions for \$87(2)(b) and \$87(2)(b) (encl. 19c-19d).

Civilian CCRB History

• This is the first CCRB complaint filed by \$87(2)(b) (encl. 3a).

Subject Officer CCRB History

• PO Edwin Espinal has been a member of the service for eight years and there are no substantiated CCRB allegations against him (encl. 2a-2b).

Conclusion

Identification of Subject Officer

• PO Espinal acknowledged interacting with §87(2)(b)

Investigative Findings and Recommendations

Allegation A: Abuse of Authority: PO Edwin Espinal entered 887(2)(b) in the Bronx.

Page 16 CCRB Case # 201109854

Allegation B: Abuse of Authority: At	in the Bronx, PO Edwin Espinal
alleged that officers including PO Espinal entered stated that she did not see anything wrong whome to speak to her husband. PO Espinal testified that one going to press charges against [S87(2)(b)] he entered	that arrived at the scene, and walked into the house. Sar(2)(b) her home. In her phone statement, with the officers going inside of her told him that he was at the house. At the time, PO Espinal stated not allowed to enter the house. Sgt. were already inside of the residence gieri did not recall if any individual
In determining whether officers can enter a residence without of factors to consider, including: the violent nature of the crir believed to be armed, a clear showing of probable cause that a strong reason to believe that the suspect is in the premises suspect will escape if not swiftly apprehended, and the entry. People v. McBride. 14 N.Y.3d 440 (2010) (encl. 1a)	ne, whether the suspect is reasonably the individual committed the crime, s being entered, a likelihood that the he peaceful circumstances of the
Allegation C: Force: At \$87(2)(b) in the Bronx,	PO Edwin Espinal used physical
alleged that PO Espinal punched him one left side of his jaw and that he received a one-inch scar about that he was dragged out of his bed. PO Espinal continued ribcage for about five minutes, and he received bruising hat After he was placed in handcuffs, and he received bruising hat After he was placed in handcuffs, and he received bruising hat After he was placed in handcuffs, and he received bruising hat After he was placed in handcuffs, arrival, and a fight ensued with various other people. PO Espinal and case denied engaging in the actions described by	the in the forehead, then again on the ve his left eyebrow. He also alleged to hit him on the right side of his lfway up the right side of his torso. That he was dragged down the din a physical altercation where he hat he had pushed services interviewed for this and testified that he resisted ed in his medical records, he was
K 87/2000	

Allegation D: Abuse of Authority: At the 43rd Precinct stationhouse, PO Edwin Espinal did not obtain medical treatment for \$87(2)(5)

Page 17 **CCRB Case # 201109854**

alleged that he cell. Four of the six potential v	asked PO Espinal witnesses in the			
investigation § 87(2)(b), § 87(2)(g)				,,,,,,,,
Team: One				
Investigator:				
Signature	Print	D	ate	
Supervisor:				
Title/Signature	Print	Da	ate	
Reviewer:				
Title/Signature	Print	Da	ate	
Reviewer:				
Title/Signature	Print	D	ate	